

**VERMONT TOBACCO EVALUATION AND REVIEW BOARD**  
**Enforcement Committee**  
**Wednesday, December 16, 2015 10-11:30 AM**  
**Office of the Vermont Attorney General, Montpelier, VT 05609**

Minutes

Attending: Helen Wagner (AGO), Joslyn Cassady (VDH), Rhonda Williams (VDH), Rebecca Ryan (CTFV), Bill Goggins (DLC), Kathryn O'Neill (VTERB)

Public Comment: None

Agency updates:

Office of the Vermont Attorney General: AG's office is working on a matter regarding a licensed out of state wholesale dealer distributing cigarettes in VT from a manufacturer that is not on VT's directory. AG's office is reviewing two new certification applications, both from tribal entities. Fired Up (an adult-only tobacco shop in Barre) is no longer in business, unable to renew its tobacco license, and currently under court order for payment of penalties.

Department of Liquor Control: The Commissioner search is underway, and the Liquor Control Board is currently conducting a second round of applicant interviews. The Board wants to have a new and permanent commissioner in place by Feb 1. They will also hire a deputy commissioner to focus on policy and government affairs. Bill anticipates that DLC's structure may change under new leadership. DLC is unable to replace the investigator position vacated with Steve Waldo's retirement, so they are down one investigator. FDA has changed its ratio of compliance checks from 50% for underage buys and 50% for advertising and labeling to 75% and 25% respectively. This will help DLC in its goal of reaching 100% of retailers. DLC sees compliance failures mostly because of clerk failure to perform customer identification. Compliance rate remains around the 90% compliance mark. Bill reminded the committee that tobacco retailers have very high employee turnover rates. Bill also mentioned that the DLC has had a setback with the vendor who was building a new point of sale program for Vermont Liquor Agencies.

Vermont Department of Health: VDH legal is looking at the possibility of pursuing a recommendation to grant local authority to restrict time, place and manner for tobacco sales. Bill stated that he is not concerned with localities approving licensure before review and approval at DLC (it used to be this way) but he doesn't want DLC removed from the process; it would align with how liquor licensing is performed. VDH said that there hasn't been any discussion of removing DLC from the process. Year two of Counter Balance will focus on community engagement and tobacco sales in chain pharmacies. Efforts will focus on submitting letters and petitions to national chain leadership requesting restricting sales of tobacco. VDH is hiring a Counter Balance field manager to

help in this effort and for communities to have support in understanding and utilizing Counter Tools data.

#### Agency or Coalition Legislative Initiatives concerning Tobacco

Coalition for a Tobacco-Free Vermont is recommending level program funding at \$3.9 million, protecting the trust fund and recommending that 3% of tobacco taxes be directed to tobacco control mass media. The coalition is supporting H.171 which would include e-cigarettes in clean indoor air laws and will coordinate with VDH regarding potential issues with bill language. The coalition would be interested in supporting an amendment to H.171 to include banning flavored e-liquids.

It is a DLC fee bill year. Bill would like to see if it is possible for a separate license for tobacco; it has been tried in the past but not supported. Over the past several years there are fewer independent tobacco retailers; most are chain stores now.

#### Follow-up from previous meeting discussions

Vape Shop licenses update: Currently there are approximately six vape-only shop licenses in VT at this time. Helen suggested it might be useful to have a means to identify vape-only shops, perhaps through data collection during the licensure process.

#### Enforcement of Tobacco Substitute Sales to Youth

Bill said that is possible to do a limited pilot to sample whether retailers are selling e-cigarettes to underage youth. AG's office is interested in starting to gain information regarding youth sales compliance by conducting compliance checks.

VDH is working on a presentation template that can be used to inform audiences about e-cigarettes, including, what they are, health impacts, and social norm erosion. Once approved by VDH leadership, it will be distributed widely for use. The committee thought it is worth exploring the use of the Vermont Retail and Grocers Association and the Chamber of Commerce as other venues for reaching retailers with e-cigarette education, starting with the E-Cigarette Health Advisory.

#### 2016 meeting schedule:

The committee would like to schedule quarterly meetings for 2016: March, June, September, and December. Kate will find the best time for committee members and will schedule meetings. The AG's office will continue to host and Helen offered to continue on as committee chair.

#### Future discussion items:

Discuss potential for any defined role that community coalitions could have to help DLC in terms of retailer compliance.